IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 24947 of 2003

Between:

1 A.Yesudas, S/o Rajendram,
Secretary, Narsapuram PACS, Narsapuram Dummugudem Mandal, Khammam District.
2 U.Muthaiah, S/o Saibu, Clerk,
Ramakrishnapuram PACS, Dummugudem Mandal, Khammam District.
3 T.Venkateswara Rao, s/o Neelaiah, Secretary,
Parnasala PACS, Dummugudem Mandal, Khammam District.
4 D.Radhakrishna, s/o Venkaiah, Additional Secretary,
Yetapaka PACS, Bhadrachalam Mandal, Khammam District.
5 D.Suri Pandu, s/o China Naraish, Secretary,
Nellipaka PACS, Bhadrachalam Mandal, Khammam District.
6 M.Nageswara Rao, Secretary,
Gowridevipeta PACS, Bhadrachalam Mandal Khammam District.
7 Ch.Satyanarayana, Secretary,
Cherla PACS, Cherla Mandal, Khammam District.
8 K.Nageswara Rao, Secretary,
Mogallapalli PACS, Cherla Mandal, Khammam District.
9 V.V.Bhaskara Rao, Secretary,
Vaddigudem PACS, V.R.Puram Mandal, Khammam District.
10 N.Nagarjuna, Clerk,
Mukundapuram PACS, Yellandu mandal, Khammam District.
11 N.Poornachandra Rao, Secretary,
Gundala PACS, Gundala Mandal, Khammam District.
12 Matya Giri, Secretary,
L.S.C.S.Paloncha, Paloncha Mandal, Khammam District.
13 T.Saidulu, Secretary,
Gollapudi PACS, Wyra Mandal, Khammam District.

14 Veerabhadra Rao, Secretary,
Takkellapadu PACS, Yerrupalem Mandal, Khammam District.
15 T.Rama Rao, Secretary,
Yerrupalem PACS, Yerrupalem Mandal, Khammam District.
16 Ranga Reddy, Secretary,
Rajupalem PACS, Yerrupalem Mandal, Khammam District.

..... PETITIONERS

AND

1. The Government of A.P., rep., by its Secretary, Cooperation Department, Secretariat, Hyderabad.
2. The Commissioner for Cooperation and Registrar of Cooperative Societies, Govt., of A.P., Hyderabad.
3. The District Cooperative Officer, Khammam, Khammam District.
4. The Divisional Cooperative Officer, Bhadrachalam, Khammam District.
5. The Divisional Cooperative Officer, Kothagudem, Khammam District.
6. The Divisional Cooperative Officer, Khammam, Khammam District.
7. The Khammam District Cooperative Central Bank Ltd., Khammam, Khammam Dist.,rep., by its General Manager.
8. The Narsapuram PACS, Narsapuram Dummugudem Mandal, Khammam District rep., by its Chairman/PIC
9. The Ramakrishnapuram PACS, Dummugudem Mandal, Khammam District rep., by its Chairman/PIC
10. The Parnasala PACS, Dummugudem Mandal, Khammam District rep., by its Chairman/PIC
11. The Yetapaka PACS, Bhadrachalam Mandal, Khammam District rep., by its Chairman/PIC
12. The Nellipaka PACS, Bhadrachalam Mandal, Khammam District rep., by its Chairman/PIC
13. The Gowridevipeta PACS, Bhadrachalam Mandal, Khammam District rep., by its Chairman/PIC
14. The Cherla PACS, Cherla Mandal, Khammam District rep., by its Chairman/PIC
15. The Mogallapalli PACS, Cherla Mandal, Khammam Dist., rep., by its Chairman/PIC
16. The Vaddigudem PACS, V.R.Puram Mandal, Khammam District rep., by its Chairman/PIC
17. The Mukundapuram PACS, Yellandu Mandal, Khammam District rep., by its Chairman/PIC
18. The Gundala PACS, Gundala Mandal, Khammam Dist., rep., by its Chairman/PIC

19.The L.S.C.S.Paloncha, Paloncha Mandal, Khammam Dist., rep., by its Chairman/PIC
20.The Gollapudi PACS, Wyra Mandal, Khammam District rep., by its Chairman/PIC
21.The Tekkellapadu PACS, Yerrupalem Mandal, Khammam District rep., by its Chairman/PIC
22.The Yerrupalem PACS, Yerrupalem Mandal, Khammam District rep., by its Chairman/PIC

23.The Rajupalem PACS, Yerrupalem Mandal, Khammam District rep., by its Chairman/PIC

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned action of the respondents in not paying salaries to the petitioners in the guise of implementing Section 116 (c) of the Andhra Pradesh Cooperative Societies Act, 1964 by not taking into consideration the amounts recoverable due to the societies within the meaning of gross profit as highly illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

Counsel for the Petitioners: MR.G.V.Shivaji

Counsel for Respondents 1 to 6: GP for Cooperation
Counsel for Respondents 7,11,12,15 and 20: MR.P.M.GOPAL RAO

The Court made the following order:

Learned counsel appearing for the petitioners submits that the subject matter of this writ petition is squarely covered by the judgment of this Court in W.P.No.3171 of 2003 and batch dated 30-8-2004.

Following the said judgment, this writ petition is dismissed by and in terms thereof. No costs.

9-9-2004

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To

1 The Government of A.P., rep., by its Secretary, Cooperation Department, Secretariat, Hyderabad.
2. The Commissioner for Cooperation and Registrar of Cooperative Societies, Govt., of A.P., Hyderabad.
3. The District Cooperative Officer, Khammam, Khammam District.
4. The Divisional Cooperative Officer, Bhadrachalam, Khammam District.
5. The Divisional Cooperative Officer, Kothagudem, Khammam District.
6. The Divisional Cooperative Officer, Khammam, Khammam District.
7. The Khammam District Cooperative Central Bank Ltd., Khammam, Khammam Dist.,rep., by its General Manager.
8. The Narsapuram PACS, Narsapuram Dummugudem Mandal, Khammam District rep., by its Chairman/PIC
9. The Ramakrishnapuram PACS, Dummugudem Mandal, Khammam District rep., by its Chairman/PIC
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22. The Yerrupalem PACS, Yerrupalem Mandal, Khammam District rep., by its Chairman/PIC

23. The Rajupalem PACS, Yerrupalem Mandal, Khammam District rep., by its Chairman/PIC
24. Two CCs to the Government Pleader for Cooperation, High Court of Andhra Pradesh, Hyderabad (OUT).
25. Two CD copies.